



General Assembly

Amendment

February Session, 2008

LCO No. 6083

SB0070306083SD0

Offered by:

SEN. MCDONALD, 27th Dist.

REP. LAWLOR, 99th Dist.

To: Subst. Senate Bill No. 703

File No. 544

Cal. No. 357

**"AN ACT CONCERNING COURT OPERATIONS, RELATED
MATTERS AND PROTECTION ORDERS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 34-105 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2008*):

5 (a) Any process, notice or demand in connection with any action or
6 proceeding required or permitted by law to be served upon a limited
7 liability company which is subject to the provisions of section 34-104,
8 may be served upon the limited liability company's statutory agent for
9 service by any proper officer or other person lawfully empowered to
10 make service by leaving a true and attested copy of the process, notice
11 or demand with such agent or, in the case of an agent who is a natural
12 person, by leaving it at such agent's usual place of abode in this state.

13 (b) If it appears from the records of the Secretary of the State that

14 such a limited liability company has failed to appoint or maintain a
15 statutory agent for service, or if it appears by affidavit endorsed on the
16 return of the officer or other proper person directed to serve any
17 process, notice or demand upon such a limited liability company's
18 statutory agent for service appearing on the records of the Secretary of
19 the State that such agent cannot, with reasonable diligence, be found at
20 the address shown on such records as the agent's address, service of
21 such process, notice or demand on such limited liability company may,
22 when timely made, be made by such officer or other proper person by:
23 (1) Leaving a true and attested copy thereof together with the required
24 fee at the office of the Secretary of the State or depositing the same in
25 the United States mails, by registered or certified mail, postage
26 prepaid, addressed to said office, and (2) depositing in the United
27 States mails, by registered or certified mail, postage prepaid, a true and
28 attested copy thereof, together with a statement by such officer that
29 service is being made pursuant to this section, addressed to such
30 limited liability company at its principal office.

31 (c) The Secretary of the State shall file the copy of each process,
32 notice or demand received by him as provided in subsection (b) of this
33 section and keep a record of the [day] date and hour of such receipt.
34 Service made as provided in this section shall be effective as of such
35 [day] date and hour.

36 (d) Notwithstanding subsections (a) and (b) of this section, any
37 process, notice or demand in connection with any action or proceeding
38 required or permitted by law to be served upon a limited liability
39 company which is subject to the provisions of section 34-104, may be
40 served upon any member of the limited liability company in whom
41 management of the limited liability company is vested or any manager
42 of the limited liability company by any proper officer or other person
43 lawfully empowered to make service by leaving a true and attested
44 copy of the process, notice or demand with such member or manager
45 or by leaving it at such member's usual place of abode in this state or,
46 in the case of a manager who is a natural person, at such manager's
47 usual place of abode in this state.

48 [(d)] (e) Nothing contained in this section shall limit or affect the
49 right to serve any process, notice or demand required or permitted by
50 law to be served upon a limited liability company in any other manner
51 permitted by law.

52 Sec. 502. Section 52-50 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2008*):

54 (a) All process shall be directed to a state marshal, a constable or
55 other proper officer authorized by statute, or, subject to the provisions
56 of subsection (b) of this section, to an indifferent person. A direction on
57 the process "to any proper officer" shall be sufficient to direct the
58 process to a state marshal, constable or other proper officer.

59 (b) Process shall not be directed to an indifferent person [unless
60 more defendants than one are named in the process and are described
61 to reside in different counties in the state, or] unless, in case of a writ of
62 attachment, the plaintiff or one of the plaintiffs, or his or their agent or
63 attorney, makes oath before the authority signing the writ that the
64 affiant truly believes the plaintiff is in danger of losing his debt or
65 demand unless an indifferent person is deputed for the immediate
66 service of the writ or other process. The authority signing the writ shall
67 certify on the writ that he administered the oath and insert in the writ
68 the name of the person to whom it is directed, but he need not insert
69 the reason for such direction. Any process directed to an indifferent
70 person by reason of such an affidavit shall be abatable on proof that
71 the party making the affidavit did not have reasonable grounds, at the
72 time of making it, for believing the statements in the affidavit to be
73 true.

74 (c) Service of motions for modification, motions for contempt and
75 wage withholdings in any matter involving a beneficiary of care or
76 assistance from the state and in other IV-D child support cases may be
77 made by any investigator employed by the Commissioner of
78 Administrative Services or the Commissioner of Social Services.

79 (d) Service of motions for modification, motions for contempt and

80 wage withholdings in any matter involving child support, including,
81 but not limited to, petitions for support authorized under sections 17b-
82 745 of the 2008 supplement to the general statutes and 46b-215 of the
83 2008 supplement to the general statutes, and those matters involving a
84 beneficiary of care or assistance from the state, may be made by a
85 support enforcement officer or support services investigator of the
86 Superior Court.

87 (e) Borough bailiffs may, within their respective boroughs, execute
88 all legal process which state marshals or constables may execute.

89 Sec. 503. Section 52-56 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2008*):

91 (a) If any officer has commenced the service of any civil process
92 within his precinct, he may attach the property of, or serve the process
93 upon, any defendant named in the process outside of his precinct. An
94 officer shall not be deemed to have commenced service in any civil
95 action by process of foreign attachment or garnishment by service on
96 the garnishee therein, unless the garnishee has concealed in his
97 possession, at the time of the service, the property of the defendant or
98 is indebted to him.

99 (b) If there are two or more defendants, any of whom reside outside
100 of the precinct of the officer commencing service or, in any action in
101 case of attachment of property or in case of foreign attachment or
102 garnishment, if any defendant or garnishee resides outside of the
103 precinct of the officer commencing service, any officer may serve the
104 process upon such of the defendants or garnishees as reside within his
105 precinct, and may then (1) complete the service himself upon any
106 defendant or garnishee residing outside his precinct, or (2) deliver the
107 process to an officer of another precinct for service upon any
108 defendant or garnishee residing in the other precinct and each officer
109 serving the same shall endorse his actions thereon. The officer
110 completing the service shall include in his endorsement a copy of the
111 endorsement upon the writ of the officer commencing service and shall

112 return the process to court.

113 (c) In any action where process is permitted to be served upon the
114 Secretary of the State, [or] the Commissioner of Motor Vehicles,
115 [pursuant to sections 52-57, 52-59b, 52-62 and 52-63] the Attorney
116 General or the Insurance Commissioner, service of such process may
117 be made by any officer of any precinct having such process in his
118 hands for service. Service by an officer upon the Secretary of the State,
119 the Commissioner of Motor Vehicles, the Attorney General or the
120 Insurance Commissioner pursuant to this subsection shall constitute
121 the commencement of service within such officer's precinct and such
122 officer may then complete service as provided in subsection (a) or (b)
123 of this section.

124 (d) The execution or service of any capias issued pursuant to section
125 52-143 or 54-2a or any warrant or capias mittimus issued by a court or
126 family support magistrate in a family support matter may be made in
127 any precinct in the state by any state marshal of any precinct or any
128 special policeman appointed under section 29-1g, having such capias,
129 warrant or capias mittimus, or a copy thereof made by any
130 photographic, micrographic, electronic imaging or other process,
131 which clearly and accurately copies such original document, in his
132 hands for service.

133 (e) Any state marshal of any precinct may serve any person
134 confined in any correctional institution or community correctional
135 center in this state.

136 Sec. 504. Section 52-261 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2008*):

138 (a) Except as provided in subsection (b) of this section and section
139 52-261a, each officer or person who serves process, summons or
140 attachments shall receive a fee of not more than [thirty] forty dollars
141 for each process served and an additional fee of [thirty] forty dollars
142 for the second and each subsequent service of such process, except that
143 such officer or person shall receive an additional fee of ten dollars for

144 each subsequent service of such process at the same address or for
145 notification of the office of the Attorney General in dissolution and
146 postjudgment proceedings if a party or child is receiving public
147 assistance. Each such officer or person shall also receive the fee set by
148 the Department of Administrative Services for state employees for
149 each mile of travel, to be computed from the place where such officer
150 or person received the process to the place of service, and thence in the
151 case of civil process to the place of return. If more than one process is
152 served on one person at one time by any such officer or person, the
153 total cost of travel for the service shall be the same as for the service of
154 one process only. Each officer or person who serves process shall also
155 receive the moneys actually paid for town clerk's fees on the service of
156 process. Any officer or person required to summon jurors by personal
157 service of a warrant to attend court shall receive for the first ten miles
158 of travel while so engaged, such mileage to be computed from the
159 place where such officer or person receives the process to the place of
160 service, twenty-five cents for each mile, and for each additional mile,
161 ten cents. For summoning any juror to attend court otherwise than by
162 personal service of the warrant, such officer or person shall receive
163 only the sum of fifty cents and actual disbursements necessarily
164 expended by such officer or person in making service thereof as
165 directed. Notwithstanding the provisions of this section, for
166 summoning grand jurors, such officer or person shall receive only such
167 officer's or person's actual expenses and such reasonable sum for
168 services as are taxed by the court. The following fees shall be allowed
169 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of
170 writs and complaints, exclusive of endorsements, one dollar per page,
171 not to exceed a total amount of nine hundred dollars in any particular
172 matter; (3) for endorsements, forty cents per page or fraction thereof;
173 (4) for service of a warrant for the seizure of intoxicating liquors, or for
174 posting and leaving notices after the seizure, or for the destruction or
175 delivery of any such liquors under order of court, twenty dollars; (5)
176 for the removal and custody of such liquors so seized, reasonable
177 expenses, and twenty dollars; (6) for the levy of an execution, when the
178 money is actually collected and paid over, or the debt or a portion of

179 the debt is secured by the officer, fifteen per cent on the amount of the
180 execution, provided the minimum fee for such execution shall be thirty
181 dollars; (7) on the levy of an execution on real property and on
182 application for sale of personal property attached, to each appraiser,
183 for each half day of actual service, reasonable and customary expenses;
184 (8) for causing an execution levied on real property to be recorded, fees
185 for travel, twenty dollars and costs; (9) for services on an application
186 for the sale of personal property attached, or in selling mortgaged
187 property foreclosed under a decree of court, the same fees as for
188 similar services on executions; (10) for committing any person to a
189 community correctional center, in civil actions, twenty-one cents a mile
190 for travel, from the place of the court to the community correctional
191 center, in lieu of all other expenses; [and] (11) for summoning and
192 attending a jury for reassessing damages or benefits on a highway,
193 three dollars a day; and (12) for service of process returnable to an out-
194 of-state court and requiring a notarized affidavit, fifty dollars in
195 addition to any fees and expenses authorized by this subsection. The
196 court shall tax as costs a reasonable amount for the care of property
197 held by any officer under attachment or execution. The officer serving
198 any attachment or execution may claim compensation for time and
199 expenses of any person, in keeping, securing or removing property
200 taken thereon, provided such officer shall make out a bill. The bill shall
201 specify the labor done, and by whom, the time spent, the travel, the
202 money paid, if any, and to whom and for what. The compensation for
203 the services shall be reasonable and customary and the amount of
204 expenses and shall be taxed by the court with the costs.

205 (b) Each officer or person shall receive the following fees: (1) For
206 service of an execution on a summary process judgment, not more
207 than fifty dollars; and (2) for removal under section 47a-42 of a
208 defendant or other occupant bound by a summary process judgment,
209 and the possessions and personal effects of such defendant or other
210 occupant, not more than seventy-five dollars per hour.

211 Sec. 505. Subsection (a) of section 52-261a of the general statutes is
212 repealed and the following is substituted in lieu thereof (*Effective*

213 *October 1, 2008*):

214 (a) Any process served by any officer or person for the Judicial
215 Department, [or] the Division of Criminal Justice, the Attorney General
216 or any state agency shall be served in accordance with the following
217 schedule of fees:

218 (1) Except as provided in subdivision (3) of this subsection, each
219 officer or person who serves process shall receive a fee of not more
220 than thirty dollars for the service of such process on a person and an
221 additional fee of ten dollars for the service of such process on each
222 additional person.

223 (2) Except as provided in subdivision (3) of this subsection, in
224 addition to the fee set forth in subdivision (1) of this subsection, each
225 officer or person who serves process shall receive, for each mile of
226 travel, the same amount per mile as provided for state employees
227 pursuant to section 5-141c, to be computed from the place where such
228 officer or person received the process to the place of service, and
229 thence in the case of civil process to the place of return, provided, if
230 more than one process is served on one person at one time by any such
231 officer or person, the total cost of travel for such service shall be the
232 same as for the service of one process only.

233 (3) Each officer or person who serves process to enforce the
234 obligation of an attorney pursuant to subdivision (2) of subsection (a)
235 of section 51-81d shall receive twenty cents for each mile of travel, to
236 be computed from the place where such officer or person received the
237 process to the place of service, and thence to the place of return.

238 (4) Each officer or person who serves process shall also receive the
239 moneys actually paid for town clerk's fees on the service of process.

240 (5) Any officer or person required to summon jurors by personal
241 service of a warrant to attend court shall receive for the first ten miles
242 of travel while so engaged, such mileage to be computed from the
243 place where such officer or person receives the process to the place of

244 service, twenty-five cents for each mile, and for each additional mile,
245 ten cents.

246 (6) For summoning any juror to attend court otherwise than by
247 personal service of the warrant, such officer or person shall receive
248 only the sum of fifty cents and actual disbursements necessarily
249 expended by such officer or person in making service thereof as
250 directed.

251 Sec. 506. Section 52-583 of the general statutes is repealed and the
252 following is substituted in lieu thereof (*Effective October 1, 2008*):

253 No civil action shall be brought against any sheriff, [sheriff's
254 deputy] state marshal or constable, for any neglect or default in his or
255 her office or duty, but within two years next after the right of action
256 accrues.

257 Sec. 507. Section 52-593a of the general statutes is repealed and the
258 following is substituted in lieu thereof (*Effective October 1, 2008*):

259 (a) Except in the case of an appeal from an administrative agency
260 governed by section 4-183, a cause or right of action shall not be lost
261 because of the passage of the time limited by law within which the
262 action may be brought, if the process to be served is personally
263 delivered to a state marshal, [authorized to serve the process]
264 constable or other proper officer within such time and the process is
265 served, as provided by law, within thirty days of the delivery.

266 (b) In any such case, the [state marshal] officer making service shall
267 endorse under oath on such [state marshal's] officer's return the date of
268 delivery of the process to such [state marshal] officer for service in
269 accordance with this section.

270 Sec. 508. Section 2-7 of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective from passage*):

272 (a) Whenever the Governor, the members of the General Assembly
273 or the president pro tempore of the Senate and the speaker of the

274 House of Representatives call a special session of the General
275 Assembly, the Secretary of the State shall give notice thereof by (1)
276 mailing a true copy of the call of such special session, by first class
277 mail, evidenced by a certificate of mailing, to each member of the
278 House of Representatives and of the Senate at his or her address as it
279 appears upon the records of said secretary not less than ten nor more
280 than fifteen days prior to the date of convening of such special session,
281 or [by] (2) causing a true copy of the call to be delivered personally to
282 each member by a state marshal, constable, state policeman or
283 indifferent person at least twenty-four hours prior to the time of
284 convening of such special session. If the state marshal, constable, state
285 policeman or indifferent person is unable to deliver a true copy of the
286 call personally to the member, such officer or person shall leave a true
287 copy of the call at the member's usual place of abode at least twenty-
288 four hours prior to the time of convening of such special session.

289 (b) Whenever the Secretary of the State is required to reconvene the
290 General Assembly pursuant to article third of the amendments to the
291 Constitution of Connecticut, said secretary shall give notice thereof by
292 (1) mailing a true copy of the call of such reconvened session, by first
293 class mail, evidenced by a certificate of mailing, to each member of the
294 House of Representatives and of the Senate at his or her address as it
295 appears upon the records of said secretary not less than five days prior
296 to the date of convening of such reconvened session, or [by] (2) causing
297 a true copy of the call to be delivered personally to each member by a
298 state marshal, constable, state policeman or indifferent person at least
299 twenty-four hours prior to the time of convening of such reconvened
300 session. If the state marshal, constable, state policeman or indifferent
301 person is unable to deliver a true copy of the call personally to the
302 member, such officer or person shall leave a true copy of the call at the
303 member's usual place of abode at least twenty-four hours prior to the
304 time of convening of such reconvened session.

305 (c) Whenever a state marshal, constable, state policeman or
306 indifferent person serves notice of a special session pursuant to
307 subsection (a) of this section or a reconvened session pursuant to

308 subsection (b) of this section, such officer or person shall file a return of
309 service with the Secretary of the State endorsing his or her actions
310 thereon and indicating the manner in which the member of the House
311 of Representatives or of the Senate was served and, if the true copy of
312 the call was left at the member's usual place of abode, the efforts made
313 by such officer or person to deliver the true copy of the call personally
314 to the member. If such officer or person files a return of service
315 indicating that the true copy of the call was left at the member's usual
316 place of abode, the Secretary of the State shall immediately notify by
317 telephone and electronic mail the speaker of the House of
318 Representatives, in the case of a member of the House of
319 Representatives, or the president pro tempore of the Senate, in the case
320 of a member of the Senate, regarding the receipt of such return of
321 service, and the speaker of the House of Representatives or the
322 president pro tempore of the Senate, as the case may be, shall make
323 reasonable efforts to give notice of the special or reconvened session to
324 such member.

325 (d) Whenever notice of a special session is served by state marshals,
326 constables, state policemen or indifferent persons pursuant to
327 subsection (a) of this section, such special session shall not be
328 convened until the Secretary of the State certifies that said secretary
329 has received a return of service from a state marshal, constable, state
330 policeman or indifferent person with respect to each member of the
331 House of Representatives and of the Senate."